IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 20364 of 2007(Y)

OA.642/1999 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONER:

RAJAMMA, W/O.PURUSHOTHAMAN,
PPS RESTAURANT, VANROSE JUNCTION,
THIRUVANANTHAPURAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:
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1. **THE DEBTS RECOVERY TRIBUNAL (KERALA & LAKSHADWEEP), 8TH FLOOR, KSHB BUILDING, PANAMPALLY NAGAR, COCHIN-682 036.**

2. **THE RECOVERY OFFICER, OFFICE OF THE RECOVERY OFFICER, DEBTS RECOVERY TRIBUNAL (KERALA & LAKSHADWEEP), 8TH FLOOR, KSHB BUILDING, PANAMPALLY NAGAR, COCHIN-682 036.**

3. **BANK OF MAHARASHTRA, M.G.ROAD, THIRUVANANTHAPURAM.**

R1 & R2 BY GOVERNMENT PLEADER PUSHPALATHA M.K.
R3 BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE FINAL ORDER DATED 30.06.2006 PASSED BY THE DEBTS RECOVERY TRIBUNAL.

EXT.P2: COPY OF THE REVIEW PETITION DATED 11.09.2006 FILED BY THE PETITIONER.

EXT.P3: COPY OF THE NOTICE DATED 20.12.2006 ISSUED BY THE RECOVERY OFFICER.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

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W.P.(C).No.20364 of 2007

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Dated this the 24th day of October, 2007

JUDGMENT

This writ petition is filed seeking an order that Ext.P3 recovery proceedings be kept in abeyance till consideration and disposal of Ext.P2 application for review of Ext.P1 final order passed by the Tribunal.

2. The writ petitioner is the 7th respondent in O.A. The 6th respondent therein is her husband. Ext. P1 is a final order. The mere filing of a review petition cannot put the flow of Ext.P1 to jeopardy.

3. It is submitted by the learned counsel for the petitioner that she has been advised to file an appeal before the Appellate Tribunal against Ext.P1 order.

Having heard the counsel for the writ petitioner and the learned counsel for the Bank, I do not find any legal infirmity or jurisdictional error in the recovery proceedings based on Ext.P3,

during continuance of Ext.P2 review petition in the absence of interlocutory orders by either the D.R.A.T or the D.R.T. This writ petition hence fails and is accordingly dismissed without prejudice to the contentions before the D.R.T or D.R.A.T as the case may be.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs